

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FLORIPA GALLEGOS as Personal Representative
of the Estate of Jasper Lopez,

Plaintiff,

vs.

No. CIV 13-1233 JAP/GBW

COUNTY OF SAN JUAN, RICKY STEVENS
and JOHN or JANE DOES 1-5

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER having come before the Court on the Petition for Appointment of Kathleen Oakey as Guardian Ad Litem filed in this Court, the Court having reviewed the Petition,

FINDS that good cause exists for the appointment of a Guardian Ad Litem to investigate, on behalf of the Court, the issues raised in the above-styled and numbered cause, to report to the Court on her conclusions, and to take whatever action is necessary and appropriate to effectuate that end.

IT IS THEREFORE ORDERED that:

1. Kathleen Oakey is hereby appointed by the Court, as Guardian Ad Litem

in this cause.

2. As the court-appointed Guardian Ad Litem, Kathleen Oakey shall be deemed a party entitled to participate, to have notice of all proceedings, and to receive copies of all pleadings and correspondence among the parties.

3. The Guardian Ad Litem shall be deemed an arm and friend of the Court and is appointed to assist the Court in discharging its duties to the minor child. The Guardian Ad Litem shall conduct an independent investigation of all matters relevant to the issues in this cause, shall report to the parties and to the Court her conclusions with respect to such investigation, and shall undertake whatever formal or other actions she deems necessary or appropriate to implement her conclusions in connection with this action.

4. At any hearing in this case, the Guardian Ad Litem will be entitled to testify as a witness or may informally report to the Court on the nature and scope of her investigation, her conclusions and her recommendations regarding both the fairness and reasonableness of the proposed settlement and the manner in which the settlement monies shall be held/used on behalf of the minor children.

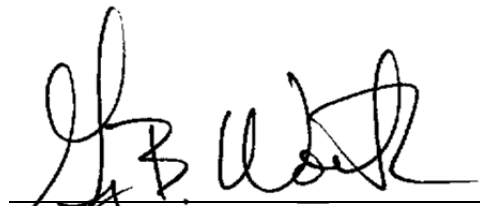
5. The Guardian Ad Litem shall have access to all documents regarding the accident which occurred on January 1, 2012.

6. There are strong public policy reasons to grant immunity to the Guardian

Ad Litem in this case, who is acting as an “Arm of the Court” as the Judge’s assistant, and is performing an essential role in this Court’s administration of justice. Accordingly, all immunities and privileges available to the Guardian Ad Litem, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 111 NM 391, 806 P.2d 40 (1991), shall be extended to the Guardian Ad Litem in this matter. Kathleen Oakey shall be absolutely immune from any liability for any actions taken pursuant to this appointment, insofar as her conduct in this case involves an investigation on behalf of this Court into the fairness and reasonableness of the settlement and the manner in which the settlement monies will be held/used on behalf of the minor children.

7. The Guardian Ad Litem’s duties and obligations in this case are owed to the Court and not to the minor children.

8. The Guardian Ad Litem’s reasonable fees shall be paid by Defendants.



GREGORY B. WORMUTH
United States Magistrate Judge